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***Amendment***

LCO No. 4436

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Offered by:

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REP. PISCOPO, 76<sup>th</sup> Dist.

To: Subst. House Bill No. 5539

File No. 291

Cal. No. 176

(As Amended)

***"AN ACT CONCERNING MERCURY EDUCATION AND  
REDUCTION."***

1 Change the effective date of sections 1 to 14, inclusive, to "Effective  
2 upon the participation by four of the six New England states in the  
3 clearinghouse described in section 3 of this act and upon the enactment  
4 by such states of legislation having like effect as section 8 of this act"

5 Strike subsection (a) of section 4 and insert the following in lieu  
6 thereof:

7 "(a) On and after six months after the effective date of this act, no  
8 person shall offer any mercury-added product for sale or distribute for  
9 promotional purposes in this state unless the manufacturer or its  
10 designated industrial trade group gives prior notification in writing to  
11 the commissioner or the regional, multi-state clearinghouse described  
12 in section 3 of this act as provided in this section. Such notification, in a

13 form prescribed by the commissioner, shall at a minimum include (1) a  
14 brief description of the product or category of products to be offered  
15 for sale or distributed; (2) an identification of each product by its  
16 mercury content in one of the following ranges: Less than zero to five  
17 milligrams, greater than five milligrams to ten milligrams, greater than  
18 ten milligrams to fifty milligrams, greater than fifty milligrams to one  
19 hundred milligrams, greater than one hundred milligrams to one  
20 thousand milligrams and greater than one thousand milligrams; (3) the  
21 actual total amount of mercury in each product; and (4) the name and  
22 address of the manufacturer and the position, address and phone  
23 number of a contact person at the manufacturer. The manufacturer or  
24 its designated industrial trade group shall revise the information in the  
25 notification whenever there is significant change in the information or  
26 when requested by the commissioner or the regional, multi-state  
27 clearinghouse."

28 Strike section 5 and insert the following in lieu thereof:

29 "Sec. 5. (NEW) *(Effective upon the participation by four of the six New*  
30 *England states in the clearinghouse described in section 3 of this act and upon*  
31 *the enactment by such states of legislation having like effect as section 8 of this*  
32 *act)* (a) Notwithstanding the provisions of section 6 of this act, on and  
33 after one year after the effective date of this act, no person shall offer  
34 for sale or distribute for promotional purposes in the state any  
35 mercury-added novelty. A manufacturer that produces or sells  
36 mercury-added novelties shall notify retailers that sell mercury-added  
37 novelties about such product ban and inform such retailers of how to  
38 dispose of the remaining inventory in accordance with the hazardous  
39 waste provisions of title 22a of the general statutes.

40 (b) Notwithstanding the provisions of section 6 of this act, on and  
41 after six months after the effective date of this act, no person shall offer  
42 for sale or distribute for promotional purposes mercury fever  
43 thermometers except by prescription written by a physician. A  
44 manufacturer of mercury fever thermometers shall provide the buyer  
45 or the recipient with notice of mercury content, instructions on proper

46 disposal and instructions that clearly describe how to carefully handle  
47 the thermometer to avoid breakage and on proper cleanup should a  
48 breakage occur.

49 (c) Notwithstanding the provisions of section 6 of this act, on and  
50 after one year after the effective date of this act, no person shall offer  
51 for sale or distribute for promotional purposes mercury dairy  
52 manometers. A manufacturer that produces or sells mercury dairy  
53 manometers shall notify retailers about the provisions of this  
54 subsection and how to dispose of the remaining inventory properly in  
55 accordance with title 22a of the general statutes. The Commissioner of  
56 Environmental Protection, in consultation with the Commissioner of  
57 Agriculture, shall examine the feasibility of implementing a collection  
58 and replacement program for dairy manometers, and shall implement  
59 such a program within available appropriations.

60 (d) On and after one year after the effective date of this act, no  
61 vocational dental education or training school shall use mercury  
62 amalgam unless such school has developed and implemented a plan  
63 approved by the commissioner that assures best management practices  
64 are used to prevent discharge of mercury into the waters of the state,  
65 any pollution abatement facility or subsurface sewage disposal system,  
66 and to properly handle and recycle or dispose of waste elemental  
67 mercury and amalgam. Such plan shall provide for an education  
68 program for students regarding the hazards of mercury and best  
69 management practices."

70 Strike section 6 and insert the following in lieu thereof:

71 "Sec. 6. (NEW) *(Effective upon the participation by four of the six New*  
72 *England states in the clearinghouse described in section 3 of this act and upon*  
73 *the enactment by such states of legislation having like effect as section 8 of this*  
74 *act)* (a) Except as provided in section 7 of this act, except for products  
75 that contain a mercury-containing lamp used for backlighting that  
76 cannot feasibly be removed by the purchaser and except for  
77 specialized lighting used in the entertainment industry such as metal

78 halide lights, no person shall offer for sale or distribute for  
79 promotional purposes any mercury-added product if: (1) After two  
80 years after the effective date of this act, the mercury content of the  
81 product exceeds one gram in the case of fabricated mercury-added  
82 products or two hundred fifty parts per million in the case of  
83 formulated mercury-added products; and (2) on and after four years  
84 after the effective date of this act, the mercury content of the product  
85 exceeds one hundred milligrams in the case of fabricated mercury-  
86 added products or fifty parts per million in the case of formulated  
87 mercury-added products.

88 (b) Not later than one year after the effective date of this act, the  
89 commissioner shall convene a working group which shall include, but  
90 not be limited to, government representatives from other northeastern  
91 states to evaluate advances in technology and make recommendations  
92 regarding the regulation of mercury-added products that have a  
93 mercury content in excess of ten milligrams or ten parts per million but  
94 less than one hundred milligrams or fifty parts per million and  
95 specialized lighting used in the entertainment industry such as metal  
96 halide lights. Within such working group, the commissioner shall  
97 convene a subgroup which shall include, but not be limited to,  
98 industry trade groups for mercury-containing lamps to develop a plan  
99 in accordance with section 9 of this act to provide for the collection of  
100 such lamps. The working group shall finalize such recommendations  
101 not later than two years after the effective date of this act.

102 (c) In the case of a product that contains one or more mercury-  
103 added products as a component, the phase-out limits specified in  
104 subsection (a) of this section apply to each component part or parts  
105 and not to the entire product.

106 Strike subsection (a) of section 8 and insert the following in lieu  
107 thereof:

108 "(a) Except as provided in subsection (g) of this section, on and after  
109 two years after the effective date of this act, no person shall offer for

110 sale or distribute for promotional purposes any mercury-added  
111 product unless both the product and either its packaging or care and  
112 use manual are labeled in accordance with this section, any regulations  
113 adopted under this section or the terms of any approved alternative  
114 labeling or notification granted under subsection (h) of this section. A  
115 retailer shall not be found in violation of this subsection if the retailer  
116 lacked knowledge that the product contained mercury."

117       Strike subsection (e) of section 8 and substitute the following in lieu  
118 thereof:

119       "(e) On and after two years after the effective date of this act, any  
120 person offering a mercury-added product for sale through a catalog, or  
121 distributing such product for promotional purposes shall clearly  
122 advise in writing the purchaser or recipient prior to the time of sale or  
123 distribution that the product contains mercury. On and after two years  
124 after the effective date of this act, any person offering a mercury-added  
125 product for sale by telephone shall clearly advise the purchaser or  
126 recipient prior to the time of sale that the product contains mercury.  
127 Such requirements shall apply to such transactions in which the  
128 purchaser or recipient is unable to view the labels on the package or  
129 the product prior to purchase or receipt."

130       Strike subsection (a) of section 9 and insert the following in lieu  
131 thereof:

132       "(a) On and after one year after the effective date of this act, no  
133 person shall offer any mercury-added product for sale or distribute  
134 any such product for promotional purposes unless the manufacturer  
135 either on its own or in concert with other persons has submitted a plan  
136 to the commissioner for a system that reasonably enables the collection  
137 of such products. If a mercury-added product is a component of  
138 another product, the collection system shall provide for removal and  
139 collection of the mercury-added component or collection of both the  
140 mercury-added component and the product containing it."

141       Strike subsection (c) of section 9 and insert the following in lieu

142   thereof:

143       "(c) Not later than two years after the effective date of this act, and  
144   biennially thereafter, the manufacturer or entity that submitted the  
145   plan on behalf of the manufacturer shall submit a report to the  
146   commissioner and to the regional, multi-state clearinghouse described  
147   in section 3 of this act on the effectiveness of the collection system. The  
148   report shall include an estimate of the amount of mercury that was  
149   collected, the capture rate for the mercury-added products or  
150   components, the results of the other performance measures included in  
151   the manufacturer's collection system plan, and such other information  
152   as the commissioner may require. The commissioner shall make such  
153   reports available to the public."

154       Strike sections 10 to 12, inclusive, and insert the following in lieu  
155   thereof:

156       "Sec. 10. (NEW) *(Effective upon the participation by four of the six New*  
157   *England states in the clearinghouse described in section 3 of this act and upon*  
158   *the enactment by such states of legislation having like effect as section 8 of this*  
159   *act)* Except as provided in section 11 of this act, no person shall offer  
160   for sale or distribute for promotional purposes or provide elemental  
161   mercury without providing a Material Safety Data Sheet, as defined in  
162   42 USC 11049. On and after one year after the effective date of this act,  
163   the seller, distributor or provider shall require the purchaser or  
164   recipient at the time of receipt of any elemental mercury to sign a  
165   statement that the purchaser or recipient (1) will use the mercury only  
166   for medical, research or manufacturing purposes; (2) understands that  
167   mercury is toxic and that the purchaser will store, use and otherwise  
168   handle exposure to such mercury in accordance with state and federal  
169   law; and (3) will dispose of the elemental mercury in accordance with  
170   state and federal law.

171       Sec. 11. (NEW) *(Effective upon the participation by four of the six New*  
172   *England states in the clearinghouse described in section 3 of this act and upon*  
173   *the enactment by such states of legislation having like effect as section 8 of this*

174 act) No person shall offer for sale, distribute for promotional purposes  
175 or provide elemental mercury to a dental practitioner without  
176 providing a Material Safety Data Sheet, as defined in 42 USC 11049. On  
177 and after one year after the effective date of this act, such dental  
178 practitioner shall (1) use the mercury only for dental purposes; (2)  
179 store, use and otherwise handle exposure to such mercury in  
180 accordance with the accepted guidelines of the American Dental  
181 Association, state and federal law and any applicable best  
182 management practices adopted by the state; and (3) dispose of the  
183 elemental mercury in accordance with state and federal law.

184 Sec. 12. (NEW) *(Effective upon the participation by four of the six New*  
185 *England states in the clearinghouse described in section 3 of this act and upon*  
186 *the enactment by such states of legislation having like effect as section 8 of this*  
187 *act)* (a) Mercury-added products with a code or date of manufacture  
188 indicating they were manufactured prior to six months after the  
189 effective date of this act, or mercury-added products for which the  
190 manufacturer provides documentation that the product was  
191 manufactured prior to six months after the effective date of this act,  
192 shall be exempt from section 4 of this act, except that motor vehicles  
193 with a code or date of manufacture prior to three months after the  
194 effective date of this act, or motor vehicles for which the manufacturer  
195 provides documentation that the product was manufactured prior to  
196 three months after the effective date of this act, shall be exempt from  
197 such sections.

198 (b) Mercury-added products with a code or date of manufacture  
199 indicating they were manufactured prior to one and one-half years  
200 after the effective date of this act, or mercury-added products for  
201 which the manufacturer provides documentation that the product was  
202 manufactured prior to one and one-half years after the effective date of  
203 this act, shall be exempt from sections 6 and 8 of this act, except that  
204 motor vehicles with a code or date of manufacture prior to three  
205 months after the effective date of this act, or motor vehicles for which  
206 the manufacturer provides documentation that the product was  
207 manufactured prior to three months after the effective date of this act,

208 shall be exempt from such sections.

209 (c) Mercury-added products with a code or date of manufacture  
210 indicating they were manufactured prior to one year after the effective  
211 date of this act, or mercury-added products for which the  
212 manufacturer provides documentation that the product was  
213 manufactured prior to one year after the effective date of this act, shall  
214 be exempt from section 9 of this act, except that motor vehicles with a  
215 code or date of manufacture prior to three months after the effective  
216 date of this act, or motor vehicles for which the manufacturer provides  
217 documentation that the product was manufactured prior to three  
218 months after the effective date of this act, shall be exempt from such  
219 sections."